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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

TRACY PRICE, §  
§  
Plaintiff, §  
§  
VS. §  
§  
TAKATA CORP., a Japanese §  
Corporation; TAKATA, INC., a §  
Delaware Corporation; TK HOLDINGS, §  
INC., a Delaware Corporation; TK §  
HOLDINGS I, LLC, a Delaware §  
Corporation; TAKATA RESTRAINT §  
SYSTEMS, INC., a Delaware §  
Corporation; TAKATA SEAT BELTS, §  
INC., a Delaware Corporation; §  
TAKATA USA, CORP., a Delaware §  
Corporation; HONDA MOTOR §  
COMPANY, LTD., a Japanese §  
Corporation; HONDA RESEARCH AND §  
DEVELOPMENT CO., LTD., a §  
Japanese Corporation; AMERICAN §  
HONDA MOTOR COMPANY, a Delaware §  
Corporation; HONDA OF AMERICA §  
MANUFACTURING, INC., a Delaware §  
Corporation; UNITED STATES §  
TESTING COMPANY, INC., a Delaware §  
Corporation, §  
§  
Defendants. §

CASE NO. 2:08-CV-151-J

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REQUESTED EXCERPT OF TRIAL TESTIMONY OF

HIDEO KITAMURA (BY DEPOSITION)

APRIL 6, 2009

VOLUME I OF I

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On the 6th day of April, 2009, during a Civil Trial by Jury in the above-entitled and numbered cause before the Honorable Mary Lou Robinson, United States District Judge for the Northern District of Texas, presiding and a jury, the following requested excerpt was had:

Proceedings reported by mechanical stenography; transcript produced by computer.

A-P-P-E-A-R-A-N-C-E-S

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15 AND

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21 COURT REPORTER: MS. STACY MAYES MORRISON  
22 Official Court Reporter  
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Official Court Reporter

PROCEEDINGS FOR APRIL 6, 2009

(The following requested excerpt took place in open court with the jury and all parties present.)

MR. LYLE: May I proceed, Your Honor?

THE COURT: Yes, sir.

MR. LYLE: This is from the deposition of Hideo Kitamura taken on March the 11th of 2002. Page 6, Line 19.

MR. KELLY: Your Honor, we've designated 12 through 15 on that page.

THE COURT: Would you give me the -- I'm sorry, tell me the number again, please.

MR. LYLE: Page 6, Line 19.

THE COURT: Page 6?

MR. LYLE: Line 19.

THE COURT: Let me be sure we're on the same one. Does that begin, "Is that all of the formal education," or "That's right"?

Where on page -- I want to be sure I'm on the same document.

MR. KELLY: His question begins at --

THE COURT: This deposition I have in my hand is March 11; is that correct?

MR. LYLE: No, you should have the deposition from -- yeah, March 11th, 2002.

THE COURT: All right. Now, on Page 6, line what?

1 MR. LYLE: Line 19.

2 THE COURT: "As I understand it," does it start  
3 there?

4 MR. LYLE: Yes, that's correct, Your Honor.

5 THE COURT: All right. Go ahead.

6 MR. KELLY: And we had designated some lines above  
7 that, beginning with 12 to read it in context, Your Honor.

8 MR. LYLE: Your Honor, I haven't received the  
9 Defendants' cross-designations, so I have no way of doing it,  
10 but I invite Counsel to do that when they get back up there.

11 THE COURT: Well, you can do that when he finishes.

12 MR. LYLE: Okay.

13 MR. KELLY: We did provide those, Counsel.

14 PLAINTIFF'S READING OF HIDEO KITAMURA DEPOSITION

15 (Whereupon, portions of the oral deposition of Hideo  
16 Kitamura are read as follows, with questions being read by  
17 Mr. Lyle and answers being read by Mr. Rick Rowley:

18 Q. "As I understand it, your entire employment with Takata  
19 Corporation has been with the design division; is that  
20 correct?

21 A. "If I were to give you an accurate answer to that  
22 question, I would say I have been involved in engineering-  
23 related work, including design.

24 Q. "Have you worked with one particular division or more  
25 than one division of Takata Corporation during your

1 employment?

2 A. "An accurate answer for that, in terms of what  
3 departments I have been working, would be Design and  
4 Development Department, and Testing and Evaluation  
5 Department.

6 Q. "What is --"

7 MR. LYLE: I'm sorry. Line 17.

8 Q. "What is your formal education in the English language?"

9 A. "I joined during my junior high school, senior high  
10 school and university years, I took English classes.

11 Q. "Do you perform any of your communications at work in  
12 English?"

13 A. "No, I don't.

14 Q. "For example, do you ever read correspondence, e-mails,  
15 things that come in English before they are translated?"

16 A. "English text e-mails and so forth would go through  
17 professional translator or specialized translator to have  
18 those texts translated into Japanese, and then I read them.

19 Q. "Do you ever read these texts before they are  
20 translated?"

21 A. "Sometimes I do read English text. However, I'm not  
22 sure whether I understood correctly or not. That's why I  
23 have the translator translate the text for me, so I can read  
24 in Japanese.

25 Q. "Do you ever respond by drafting an English-language

1 response?

2 A. "No, I never write such thing in English."

3 MR. KELLY: Your Honor, we object to the next line.

4 MR. LYLE: I'm not going to read that, Counsel. I  
5 took -- I told --

6 MR. KELLY: Did you take that out?

7 MR. LYLE: Yes.

8 MR. KELLY: Well, I must not have read that.

9 MR. LYLE: Yeah. If I -- if I start to read a  
10 question and you think it's problematic, please let me know,  
11 but wait until I read the question, please.

12 MR. KELLY: Well, I can't do that.

13 THE COURT: Now where?

14 MR. LYLE: Pursuant to our bench conference, I'm  
15 taking out some material, Your Honor.

16 (Pause.)

17 MR. LYLE: Okay. Page 12, Line 9.

18 MR. KELLY: Your Honor, we object to this as the  
19 matter previously excluded, and it refers to the 1,000 and  
20 3,000 insertions, which is relating to the matter the Court  
21 previously excluded.

22 THE COURT: Overruled.

23 Q. "The testing -- I'm sorry. Start over.

24 "Physically, what did your testing show happens between  
25 1,000 and 3,000 insertions that doesn't happen before and

1 doesn't happen after?"

2 MR. KELLY: Your Honor, this is expressly relating  
3 to the matter the Court has excluded. It's highly  
4 prejudicial.

5 THE COURT: The Court's already ruled.

6 MR. LYLE: And then I say: "That's not a good  
7 question. I'm going to rephrase the question."

8 Q. "Physically, what changes to the parts of the buckle  
9 between 1,000 and 3,000 insertions, so that the problem  
10 doesn't exist before 1,000, and the problem doesn't exist  
11 after 3,000, according to your testing."

12 MR. LYLE: And then I say: "I have some documents  
13 and diagrams that were provided to us under Tab 4, if these  
14 will assist you."

15 MR. KELLY: What line are we on now, Counsel?

16 MR. LYLE: We're on Page 13 -- well --

17 THE COURT: He left out --

18 MR. LYLE: "Assist you in --"

19 THE COURT: -- some particular language --

20 MR. LYLE: "-- your explanation."

21 THE COURT: -- in -- and you're now on Page 13.

22 MR. LYLE: Yes, Page 13. And the answer at Line 6?

23 A. "Is it all right to take a look at it?"

24 Q. "Yes, please do. I think most of these diagrams are  
25 under Tab 4.



1 A. "I'm sorry, it has lapsed some time. Could I have the  
2 last question given one more time?"

3 MR. LYLE: Okay. The question was reread by the  
4 interpreter.

5 A. "One of the component in the buckle had its dimension  
6 significantly off from the drawing. When that component is  
7 combined with other components, and if that causes the  
8 significant overlapping, then there is a possibility of  
9 partial engagement in the buckle during 1,000 to 3,000  
10 insertions."

11 MR. KELLY: Your Honor, we object. There is no  
12 allegation of a manufacturing defect like that in this case  
13 for this buckle.

14 THE COURT: Overruled.

15 Q. "Why does that problem only exist between 1,000 and  
16 3,000 insertions?"

17 A. "There is a component called latch in the -- the  
18 component called latch, there is a small piece in there  
19 called the lock plate, and if the distance between the latch  
20 and the lock plate is an issue.

21 "In early stage, when the coating is sufficient, it can  
22 operate smoothly. And, later on, when coating started to  
23 wear out, then metal pieces start rubbing each other, and  
24 there is a possibility of non-smooth or poor movement of the  
25 lock plate between 1,000 and 3,000 insertions. However,

1 after 3,000 insertions, metal wear progresses so that it  
2 causes a clearance so that it would solve the problem in that  
3 condition."

4 MR. LYLE: Page 19, Line 17.

5 MR. KELLY: Same objection, Your Honor.

6 THE COURT: Overruled.

7 MR. LYLE: Are you there?

8 MR. RICK ROWLEY: Yes, sir.

9 Q. "The necessary amount of wear to achieve the result that  
10 you described earlier, when you were explaining why, after  
11 3,000 latches -- or 3,000 insertions before the problem with  
12 false latching doesn't happen anymore?

13 A. "I do not -- as to the amount of wear, I don't remember  
14 it.

15 Q. "I understand that, but do you have a range of wear that  
16 is required? For example, that it is more or less than a  
17 tenth of a millimeter required?

18 A. "Since I don't quite understand what you mean by the  
19 'range of wear,' so let me state the way that I understand  
20 it. When the amount of overlap of those component's  
21 dimension is .04, or less than .03, then the problem would  
22 not occur. That's the way I understand it."

23 MR. LYLE: Page 22, Line 9. I'm sorry, Page 21  
24 Line 9. Excuse me.

25 MR. KELLY: Same objection, Your Honor.

1 THE COURT: Overruled.

2 Q. "Were the -- was the latch and the lock plate designed  
3 to wear significantly during their lifetime?

4 A. "No, it is not designed to cause such wear. And as I  
5 said before, there was components which were significantly --  
6 significantly off from the drawing in its dimension, and for  
7 those, the wear would be a problem.

8 Q. "What do you mean by a 'problem'?

9 A. "For those items, wears could occur.

10 Q. "But they were not designed to wear, or were they  
11 designed to wear?

12 A. "In terms of design, it is not meant to have a wear."

13 MR. LYLE: Your Honor, based upon our ruling at the  
14 bench conference, I'm going to exclude the next section that  
15 was designated beginning at Page 30, Line 13.

16 THE COURT: Well, tell me where you're going to  
17 pick up.

18 MR. LYLE: Yes, Your Honor. Page 43, Line 21, and  
19 I'm going to modify the beginning of the question slightly,  
20 Your Honor.

21 Q. "The question is: Did you previously testify,  
22 'Question: Who are the other inventors of the TK-52?

23 "' Answer: I believe, other than myself, there was an  
24 individual by the name of Kimura.'

25 "Was that your answer to the question?

1 A. "Yes, I believe I stated the way it is shown on the page  
2 that you showed me.

3 Q. "At the time you gave that answer, was it true and  
4 correct, under penalty of perjury, to the best of your  
5 knowledge?

6 A. "Yes, I did."

7 MR. LYLE: I'm going to Page 55, Line 14.

8 MR. KELLY: Are you going to exclude that  
9 reference?

10 MR. LYLE: Yeah, I'm going to exclude everything  
11 preceding that.

12 MR. KELLY: Well, one moment, Your Honor.

13 (Attorney/Attorney sotto-voce conference.)

14 MR. LYLE: Are you there?

15 MR. RICK ROWLEY: Yes, sir.

16 Q. "Did Takata, during this --"

17 MR. KELLY: Same objection, Your Honor, for the  
18 record.

19 THE COURT: Overruled.

20 MR. KELLY: Thank you.

21 Q. "Did Takata, during this investigation, determine that  
22 the buckles which suffer from this combination of things,  
23 could be false latched as a result of actual use?

24 A. "I'm sorry, the question was rather lengthy, so I would  
25 like to have the Japanese question one more time."

1 MR. LYLE: The question was reread by the  
2 interpreter.

3 A. "As a result of various investigations, we confirmed  
4 that, depending on how those combinations were created, there  
5 is a possibility of partial engagement in the field.

6 Q. "And by 'in the field,' did you mean the possibility of  
7 partial engagement as result of actual use?

8 A. "I mean, there is a possibility of this occurrence when  
9 this -- these were used -- these were actually used."

10 MR. LYLE: Page 57, Line 9.

11 MR. KELLY: Your Honor, if the Court will look at  
12 56, Line 25, the Court will see that this expressly deals  
13 with an excluded matter. That's Page 56, Line 25.

14 MR. LYLE: That's why I've taken that initial  
15 reference out, and I'm --

16 THE COURT: Well, just a moment, Counsel. I need  
17 to read this.

18 MR. LYLE: I'm sorry, ma'am.

19 MR. KELLY: It clearly applies to the whole  
20 testimony there, Your Honor.

21 (Pause.)

22 THE COURT: And you want to pick up where?

23 MR. LYLE: At Line 9, Your Honor.

24 THE COURT: Sustained to that.

25 MR. LYLE: Page 67, Line 9.

1 THE COURT: 67?

2 MR. LYLE: Yes, Your Honor.

3 Q. "I'm not asking you about whether it is installed in a  
4 vehicle, and I'm not asking you about whether there would be  
5 any problem. I'm asking you, if based on Takata's  
6 investigation, Takata's position is that it is possible, or  
7 not possible, to false latch a belt with this number, if the  
8 tongue is inserted into the buckle slowly at an angle?"

9 MR. KELLY: Your Honor, the number refers to the  
10 matter excluded by the Court.

11 THE COURT: Overruled.

12 A. "I believe one needs to describe under what conditions  
13 we are talking about. What I'm answering here is that if  
14 that -- if that is used -- if that is to be used in actual  
15 use, representing actual use, then this should not have any  
16 problem."

17 MR. LYLE: And then Page 70, Line 17.

18 Q. "Regardless of what you and I think 'actual use' means,  
19 holding the buckle in one hand and the tongue in the other,  
20 should I be able to false latch that buckle if I insert the  
21 tongue slowly at an angle?

22 A. "When one is inserting slowly, if one is trying to have  
23 that latched, then I don't believe there would be any  
24 problem. However, if one were trying to cause some problem,  
25 or in a mean-spirited way, then maybe one could cause some

1 problem.

2 Q. "By 'problem,' do you mean false latching?

3 A. "If one were trying to cause a false latch, then there  
4 may be a possibility of causing that.

5 Q. "Thank you.

6 A. "So my belief is that maybe one could possibly cause  
7 that."

8 MR. LYLE: Page 72, Line 8.

9 Q. "And there is no written procedure, as far as you know,  
10 that defines exactly how the 209 S3G testing is supposed to  
11 be performed; is that correct?

12 A. "Right. Nothing other than the ones stated in the 209,  
13 and basic information is written in the 209.

14 Q. "The definition of, quote, 'representative of actual  
15 use,' closed quote, is not defined, is it?

16 A. "Right, I believe it is not stated.

17 Q. "And would you agree with me that actual use encompasses  
18 many, many different ways that many, many different people  
19 have of using your seat belts?

20 A. "Yes.

21 Q. "As a seat belt designer, do you consider it foreseeable  
22 that occasionally people will buckle their belts using only  
23 one hand?

24 A. "Yes, we can think of such use by users.

25 Q. "Do you consider it foreseeable that people who use your

1 seat belts may have some physical condition that makes it  
2 difficult for them to get the tongue into the buckle on the  
3 first try?

4 A. "Although, I'm not sure what circumstances you are  
5 describing, but I can consider such situation occurring. And  
6 I understood that to mean that this individual, when one is  
7 trying to use a seat belt, such a situation may occur. Am I  
8 correct?

9 Q. "Yes. From the standpoint of you as one of the  
10 designers of this belt?

11 A. "Yes.

12 Q. "Likewise, from that same point of view, do you consider  
13 that some people will insert the tongue slowly, and others  
14 will insert it more rapidly?

15 A. "Yes.

16 Q. "Do you consider it foreseeable that foreign material  
17 such as Coca Cola may occasionally get poured inside the  
18 buckles?

19 A. "Yes, such a situation can be thought of.

20 Q. "And sometimes that will happen in a part of the world  
21 such as Hobbs, New Mexico, where the summers -- where in the  
22 summers it can get very, very hot inside the vehicles,  
23 correct?

24 A. "Yes, I can think of vehicles in -- inside of vehicles  
25 getting hot.



1 Q. "And Takata's testing of TK-521 buckles has shown that,  
2 when Coke was poured into it and it was baked in an oven,  
3 that that enabled false latching to occur, correct?

4 A. "I want to hear in Japanese one more time."

5 MR. LYLE: The question was reread by the  
6 interpreter.

7 A. "To answer precisely to your question, when we poured  
8 the Coke into the buckle and bake it in the oven, and when  
9 we -- and when one repeated many, many times this process,  
10 then ultimately we found out that we could create a situation  
11 similar to a false latch.

12 Q. "And what is it, if you know, about the design of the  
13 521 buckle that permits this to occur?

14 A. "Since the Coke, which was poured into the 521 was  
15 sticky condition, I could say that sticky Coke caused that  
16 condition.

17 Q. "But what is it about the way the structure of the belt  
18 is designed that permits a sticky condition to cause false  
19 latching?

20 A. "When the Coke is stuck into the inside of the base,  
21 then that becomes sticky condition, so that could cause that  
22 situation. And that could happen by having a sticky  
23 condition on the latch as well.

24 Q. "Is that the same aspect of the design that permits  
25 false latching if the belt --"

1 MR. LYLE: I'm sorry.

2 Q. "-- of the belt if one latches it in a mean-spirited  
3 way?

4 A. "I'm not sure exactly what you mean by 'mean-spirited  
5 way.' What is done in a mean-spirited way in your question?

6 Q. "I'm using that in the same way as you used that word  
7 right before the break when you had to go to the bathroom,  
8 when you were answering my question.

9 A. "If that is the definition, then what I stated would be  
10 included, as well as the circumstances where the latch is not  
11 fully locked.

12 Q. "And what is it about the design of this buckle that  
13 allows that to happen? I'm talking about the internal  
14 structure of the buckle.

15 A. "Since the question was rather hard for me to  
16 understand, I would like to hear it one more time, or could  
17 you restate in a more easy to understand way?

18 Q. "Would you like to hear it repeated, or would you like  
19 me to restate it?

20 A. "I would like to hear that one more time."

21 MR. LYLE: The question was reread by the  
22 interpreter.

23 A. "One could -- one could be the lock plate allowing that  
24 to happen. And I'm referring to the kind of maneuver which I  
25 talked about before the break, doing it in a mean-spirited

1 way, with the intention of causing that phenomenon."

2 MR. LYLE: Page 79, Line 2.

3 Q. "I would be happy for you to explain how the design of  
4 the buckle permits this to occur.

5 A. "It is not in terms of a design aspect which is allowing  
6 this to happen, but, rather, when the latch is not coming  
7 down completely, then that is the situation where partial  
8 engagement is occurring. In other words, it is accurate to  
9 say the latch and the lock plate are not in the locking  
10 position.

11 Q. "Why doesn't the design of this buckle cause the ejector  
12 spring to always eject the tongue if that has occurred?

13 A. "As I mentioned earlier, if one is trying to cause PE,  
14 and causing PE as a result, then the ejector would not be  
15 able to do that."

16 MR. LYLE: Page 82, Line 12.

17 Q. "So did you find --"

18 MR. KELLY: Excuse me just a minute.

19 MR. LYLE: Oh, I'm sorry.

20 Q. "So did you find that belts that false latched did  
21 activate the buckle switch when they were false latched?

22 A. "We know that would happen to the buckle which had false  
23 latching.

24 Q. "Do you know that also happens to the buckles that are  
25 false latched when somebody tries to do so in a mean-spirited

1 way?

2 A. "We know that would also occur when one tried to do it  
3 with a willful way.

4 Q. "How long has Takata known that?

5 A. "Since you did not define what 'that' is, could you  
6 define it, what we knew?

7 Q. "The buckles that false latched, when one attempts to do  
8 so in a mean-spirited way --"

9 MR. LYLE: I'm sorry. I'm sorry, I need to -- I  
10 messed that up. Page 83, Line 1.

11 Q. "That buckles that false latched when one attempts to do  
12 so in a mean-spirited way, would trigger the buckle switch?

13 A. "We knew that could happen if one has a will to cause  
14 that, and we knew that from the development stage.

15 Q. "When did the development stage take place?

16 A. "Around 1983."

17 MR. LYLE: Page 97, Line 22.

18 Q. "Has Takata ever investigated whether partial release  
19 can be achieved in these buckles if the button on the buckle  
20 is partially depressed during insertion of the tongue?

21 A. "Do you mean one is trying to cause a partial  
22 engagement?

23 Q. "Whether one is trying to do so, or whether one does so  
24 accidentally, has that ever been investigated?

25 A. "If I were to answer accurately, rather than answering

1 whether or not we have done such investigation, it would be  
2 we have made such tries.

3 Q. "And what did you find?

4 A. "What we found out is by depressing the button, and if  
5 one tried to cause a partial engagement in a mean-spirited  
6 way, then there are some occasions when partial engagement  
7 does occur.

8 Q. "How long has Takata known that?

9 A. "We were aware of that, namely, that could occur if one  
10 were to try to do it in a mean-spirited way, even from the  
11 development time.

12 Q. "When was that?

13 A. "Around 1983.

14 Q. "And at any time since then, has Takata ever issued any  
15 warnings to be passed onto users of these buckles that says,  
16 don't perform the insertion in what you mean by a mean-  
17 spirited way?

18 A. "We didn't do that, because it's not necessary to do so.

19 Q. "Who determined that it wasn't necessary to do so?

20 A. "Members who were involved in development at the time.

21 Q. "Were you one of them?

22 A. "That's right."

23 (Attorney/Attorney sotto-voce conference.)

24 MR. KELLY: Your Honor, the next lines, we object  
25 to other matters, that the Court has excluded other matters

1       that --

2               THE COURT:   Are you talking about 12?

3               MR. KELLY:   Beginning with Line 12.

4               THE COURT:   Sustained.

5               MR. LYLE:   Okay.   Your Honor, but I would like to  
6 then read beginning at Line 22 on that page.

7               MR. KELLY:   One moment, please.

8               THE COURT:   I believe we'd better exclude that too,  
9 Counsel.

10              MR. LYLE:   And I would like to read Page 100,  
11 Line 15 to 21, and the answer going through 21.

12              MR. KELLY:   I believe the Court's ruled that that  
13 should be excluded.

14              THE COURT:   Sustained.

15              MR. LYLE:   I think -- oh, wait.   Let's see.  
16 Page 105, Line 18.

17              MR. KELLY:   Through what?

18              MR. LYLE:   Through 106, 15.

19              MR. KELLY:   Nothing was designated after 106,  
20 Line 4 in your designations.   We object on that basis, Your  
21 Honor.

22              THE COURT:   Well, we're on 105.

23              MR. KELLY:   Right, but he was going to read through  
24 107 or something.

25              THE COURT:   Well, we'll -- stop at the portion

1 you've designated, and I'll look at it.

2 MR. KELLY: Right. We have designated, only for  
3 clarity, Your Honor, excuse me, 105, Line 18 through 106,  
4 Line 4.

5 MR. LYLE: That is correct, Your Honor. That is  
6 correct.

7 THE COURT: You may do that.

8 MR. LYLE: Thank you.

9 Q. "Has Takata ever received anything from the United  
10 States Government that says partial engagement testing is not  
11 required for belts equipped with an ejector spring?

12 A. "No, there wasn't such a thing."

13 MR. LYLE: Okay. So we're not going to read --  
14 yeah, we'll just stop there.

15 Those are all the Plaintiff's designated portions,  
16 Your Honor.

17 THE COURT: Did you -- Counsel, you suggested you  
18 had some other portions you wanted read for completeness?

19 MR. KELLY: Yes, Your Honor. May we have a moment?

20 THE COURT: Yes.

21 MR. KELLY: I need to find them.

22 (Pause.)

23 MR. KELLY: Let's begin with -- if you would, will  
24 you continue to read for us?

25 MR. RICK ROWLEY: Sure, absolutely.

1 MR. KELLY: Thank you very much. Page 3, Lines 8  
2 through 9.

3 THE COURT: Page 3?

4 MR. KELLY: Excuse me. Page -- yes, Page 3. Well,  
5 it's where he states his name at the beginning of the  
6 deposition. Would you please read Page 3, 8 and 9.

7 MR. RICK ROWLEY: Do you want to ask the question  
8 on Line 8?

9 DEFENDANTS' READING OF HIDEO KITAMURA DEPOSITION

10 (Whereupon, portions of the oral deposition of Hideo  
11 Kitamura are read as follows, with questions being read by  
12 Mr. Kelly and answers being read by Mr. Rick Rowley:

13 Q. "Please state your name.

14 A. "Hideo Kitamura."

15 MR. KELLY: Then we have Page 6, Lines 12 through  
16 15.

17 Q. "What is your educational background?

18 A. "Upon graduating from high school, I entered in Osaka  
19 Industrial University. And I graduated from there in 1974,  
20 obtaining an engineering degree there."

21 MR. KELLY: One moment, Your Honor. I think the  
22 next is on Page 23.

23 (Pause.)

24 MR. KELLY: Oh, yes, Page 23, Line 19 through  
25 Page 24, Line 8.



1 Q. "Was the problem with --"

2 MR. LYLE: Excuse me, Your Honor. This is the  
3 matter that the Court excluded, and I wasn't allowed to ask  
4 these questions.

5 THE COURT: You were what?

6 MR. LYLE: This is the matter that the Court  
7 excluded, and I wasn't allowed to ask any questions on this  
8 subject.

9 MR. KELLY: Many questions on this subject were  
10 asked, Your Honor. Beginning 23, Line 19.

11 THE COURT: You may -- you may read that.

12 Q. "Was the problem with this part in the die limited,  
13 according to Takata's investigation, to a single part in a  
14 single die?

15 A. "That's right.

16 Q. "When was that part installed in the die?

17 A. "The result of the investigation revealed it was October  
18 through November of '93.

19 Q. "Is that it was installed sometime during that period,  
20 or is that period of time what Takata believes is the amount  
21 of time that that part was used in the die?

22 A. "The period of time I just mentioned was a time frame  
23 when the part was in use."

24 MR. KELLY: Okay. One moment, Your Honor.

25 (Pause.)

1 MR. KELLY: Next is on Page 71, Page 71, Line 15  
2 through 22.

3 Q. "When Takata's employees tested the TK-52 buckles to see  
4 if they complied with Federal Motor Vehicle Safety Standard  
5 209 S3G --"

6 MR. KELLY: I think that should be S5G.

7 Q. "-- they would hold the buckle and the tongue on the  
8 table and insert the tongue in various ways at various angles  
9 and at various speeds; is that correct?

10 A. "Yes, we do -- we try to do various ways, considering  
11 how it would be actually used."

12 MR. KELLY: Okay. Page 77, Lines 13 through 17.

13 Q. "Well, what do you exactly mean by mean-spirited way?

14 A. "I'm talking about the try in which one has a  
15 determination, regardless of by what means, one is going to  
16 cause PE."

17 MR. KELLY: Next we have Page 80, Line 2 through  
18 17.

19 Q. "Takata is always cognizant of other buckles being  
20 introduced into the marketplace, isn't it?"

21 MR. LYLE: Counsel --

22 THE COURT: I'm sorry. You're beginning where?

23 MR. KELLY: Page 80, Line 1.

24 MR. LYLE: Line 1. Thank you.

25 THE COURT: Oh, all right. Go ahead.

1 MR. KELLY: Oh, did I state something else?

2 MR. LYLE: You said Line 2.

3 MR. KELLY: Oh, I'm sorry. Line 1 through 17.

4 Q. "Takata is always cognizant of other buckles being  
5 introduced into the marketplace, isn't it?

6 A. "I believe in your question you are referring to the  
7 products introduced by seat belt manufacturers other than  
8 Takata. If so, we are paying attention to those products.

9 Q. "And in doing so, have you become aware of any other  
10 seat belt used by other -- another manufacturer that permits  
11 partial engagement like this when one intentionally tries to  
12 do so?

13 A. "Yes, I am aware that if one intentionally tried to  
14 cause that, that would happen with others.

15 Q. "Which ones?

16 A. "I believe an accurate answer is with any seat belts."

17 MR. KELLY: Your Honor, we would reserve the right  
18 to read more upon review of the portions that were read that  
19 had been designated and that we thought were within the  
20 subject --

21 THE COURT: You may do that later on.

22 MR. KELLY: Thank you, Your Honor.

23 MR. LYLE: Your Honor, in response to one section  
24 that was read, I would like to read from Page 26, Line 15.

25 THE COURT: All right. Just -- just a moment.

1 MR. KELLY: Your Honor, we object. This refers to  
2 the --

3 THE COURT: Sustained.

4 MR. LYLE: Okay. Nothing else.

5 THE COURT: Ladies and gentlemen of the jury,  
6 you're -- in just a moment, you'll be in recess until 1:30.

7 Now, two things in addition to what you've been  
8 told. You, of course, should not discuss the case with each  
9 other. Don't discuss the case with anyone else. Hold  
10 yourself completely apart from the people involved in this  
11 litigation; the parties, the witnesses, and the attorneys and  
12 anyone associated with them.

13 Now, you've heard some discussion about what might  
14 have been found on the Internet. Do not go to the Internet  
15 and make any independent investigation of your own. The  
16 rules of evidence are very specific, and they provide for  
17 cross-examination. Independent investigation on the part of  
18 jurors could result in our having to try this case over  
19 again. So do not go to the Internet and make any independent  
20 investigation.

21 Now, we will be recessing for the day tomorrow at  
22 12:00. So if you have some plans that you need to take care  
23 of, you can plan on doing them tomorrow afternoon. Then  
24 we'll reconvene and begin Wednesday morning.

25 You're in recess at this time until 1:30.

1 COURT SECURITY OFFICER: All rise.

2 (End of requested excerpt.)

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I certify that the foregoing is a correct transcript  
7 from the record of proceedings in the above-entitled matter.

8

I further certify that the transcript fees format comply with  
9 those prescribed by the Court and the Judicial Conference of  
10 the United States.

11

12 s/Stacy Mayes Morrison  
13 Stacy Mayes Morrison  
Official Court Reporter

4/6/09  
Date

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Official Court Reporter